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(unpublished)**

**HEALTH ) MEDICARE ) MARYLAND SHORT-TERM  
PRESCRIPTION DRUG SUBSIDY PROGRAM**

February 15, 2001

*The Honorable Shane Pendergrass  
Maryland House of Delegates*

You have asked for an opinion concerning eligibility for the Maryland Short-Term Prescription Drug Subsidy Plan (“the State plan”). The State plan provides temporary prescription drug coverage for seniors in Maryland who are eligible for, but not served by, Medicare Plus Choice ) a part of the federal Medicare program that offers prescription drug benefits. Specifically, you ask whether seniors who live in counties not listed in Annotated Code of Maryland, Health-General Article (“HG”), §15-601(f) and who lost their Medicare Plus Choice coverage in January 2001 are eligible for the State plan.

A recent opinion of this Office describes the State plan in detail. *See 86 Opinions of the Attorney General* \_\_\_\_ (2001) [Opinion No. 01-003 (January 30, 2001)]. The specific question that you pose was addressed in a recent letter of advice by Assistant Attorney General Kathryn M. Rowe. A copy of that letter is attached.

In her letter, Ms. Rowe reviewed the relevant statutory provisions. *See* HG §15-601(c), (g) (definitions of “eligible individual,” “portion of a county”). She concluded that any person who participates in Part B of Medicare and who lives in a county or portion of a county that was served by a Medicare Plus Choice plan prior to January 1, 2000, but that is no longer served by such a plan, is eligible for the State plan. We have carefully reviewed that letter and agree with Ms. Rowe’s analysis and conclusion.<sup>1</sup>

J. Joseph Curran, Jr.  
*Attorney General*

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Opinions & Advice*

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<sup>1</sup>We understand that the Department of Health and Mental Hygiene has also adopted this interpretation in administering the State plan.

***For copy of attachment  
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